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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,542	07/10/2003	Yuhi Tokita	YKIA121430	4280
26389	7590	07/13/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			GOMA, TAWFIK A	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2627	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/617,542	TOKITA ET AL.	
	Examiner	Art Unit	
	Tawfik Goma	2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 11 and 15 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This action is in response to the amendment filed on 4/27/2006.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 recites the limitation "the write power used for recording operation" in line 7. There is insufficient antecedent basis for this limitation in the claim. The claim does not clarify if the write power it refers to is the write power used during the test recording operation previously recited in the claim, or the write power that will be used during a recording operation of non-test data on the disk. Appropriate correction is required. The examiner will interpret the claims to mean that "the write power" is the write power used previously to perform test recording.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goro (JP 11-025491) in view of Kimura (US 5905695)

Regarding claims 8 and 12, Goro discloses an optical disk apparatus for recording data on an optical disk (Drawing 2), comprising means for detecting first

reproduced signal quality of test data obtained after test data recorded with write power lower than write power P of a laser beam have been overwritten with said write power P (Abstract and par. 76 of Detailed Description); and means for setting optimum write power on the basis of said first reproduced signal quality (Detailed Description par. 79-80). Goro discloses that the random data is overwritten repeatedly using increasing laser powers, which reads on claimed overwriting data written with a lower power than a power P, with data written with a power P. Goro discloses that the optimum laser power is determined based on a comparison of the error signal from the recorded data with a predetermined threshold value. Goro fails to disclose wherein second reproduced signal quality of test data obtained after test data recorded with write power higher than said write power P have been overwritten with said write power P. In the same field of endeavor, Kimura discloses overwriting data written with a higher power than a power PH1 and PH2 with the recording power PH1 and PH2 (col. 9 lines 44-50). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the recording apparatus taught by Goro by providing the second signal quality signal. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to measure the signal quality when data written at a higher power is overwritten with the optimal power in order to test a recording power that would be suitable for overwriting data recorded with a higher power (see Kimura (col. 9 lines 62-67)).

Regarding claim 9 and 13, Goro further discloses wherein said first and second reproduced signal qualities are jitter or an error rate (Detailed Description, par. 79), and

said setting means sets, as said optimum write power, write power P at which said jitter or error rate becomes lower than or equal to said threshold value (Detailed Description, pars. 79-80).

Regarding claim 10 and 14, Goro further discloses wherein said first and second reproduced signal qualities are jitter or an error rate (Detailed Description, par. 79), and said setting means sets, as said optimum write power, a minimum write power level from among write power levels P at which a rate of change in said jitter or error rate with regard to said write power P is lower than or equal to a predetermined threshold value (Pset, Drawing 4 (b), and Detailed Description, par. 51). Drawing 4b, shows that the rate of change at the optimum power level is minimum at Pset.

### ***Response to Arguments***

Applicant's arguments with respect to claims 8-10 and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
T. Goma  
7/7/2006

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER